UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD FIRST REGION

In the Matter of

ST. JOSEPH HEALTH SERVICES OF RHODE ISLAND, FATIMA HOSPITAL

Employer

CASE 1-RC-22165

and

UNITED NURSES AND ALLIED PROFESSIONALS

Petitioner

DIRECTION AND NOTICE OF HEARING

Pursuant to a petition for election filed on December 11, 2007, and a Stipulated Election

Agreement executed by the above parties, and thereafter approved on December 20, 2007, an election

was conducted on January 24, 2008 among certain employees¹ of the Employer:

The tally of ballots cast at the election was as follows:

Approximate number of eligible voters	17
Void ballots	0
Votes cast for Petitioner	8
Votes cast against participating labor organization	7
Valid votes counted	15
Challenged ballots	2
Valid votes counted plus challenged ballots	17
The challenges are sufficient in number to affect the results of the e	lection.

All full-time and regular part-time (defined as an employee who worked an average of 4 hours or more during the 13-week period preceding the payroll eligibility date) skilled maintenance employees employed by the Employer at its 200 High Service Avenue, North Providence, Rhode Island facility, including employees in the classifications of Plumber/Steamfitter, Stationary Engineer, Electrician-Licensed, Refrigeration Mechanic, Carpenter, Painter, Maintenance Mechanic, and Biomedical Equipment Technician; but excluding all other employees including Supervisor - Engineering, Site Manager - Engineering, Administrative Director, Supervisor - Clinical Engineering, managerial employees, temporary employees, casual employees, confidential employees, guards and supervisors as defined in the Act.

¹ The appropriate collective bargaining unit, as set forth in the Stipulated Election Agreement is:

At the election the Petitioner challenged the ballots cast by Arthur Henderson, whose employment status is in question, and Thomas Hogan, whose supervisory status is in question.

Having investigated and duly considered the matter, and pursuant to Section 102.69 of the Board's Rules and Regulations, I find that the challenges raise substantial and material factual issues that may best be resolved on the basis of record testimony at a hearing.

NOW, THEREFORE, IT IS HEREBY ORDERED that a hearing be conducted before a duly designated hearing officer of the National Labor Relations Board on Thursday, February 21, 2008 at 9:30 a.m. and for consecutive days thereafter, at the Thomas P. O'Neill, Jr. Federal Building, 10 Causeway Street, Sixth Floor, Boston, Massachusetts, at which time and place the parties will have the right to appear in person, or otherwise give testimony with respect to the objections filed by the Employer.

IT IS FURTHER ORDERED that the hearing officer shall prepare and cause to be served on the Board and on the parties a report resolving questions of credibility and containing findings of fact and recommendations as to the disposition of the issues.

Any party may file exceptions to such report in accordance with Section 102.69(g) of the Board's Rules and Regulations. If no exceptions are filed, the Board will adopt the hearing officer's recommendations.

Dated at Boston, Massachusetts this 8th day of February, 2008.

/s/ Elizabeth A. Gemperline

Elizabeth A. Gemperline
Acting Regional Director
National Labor Relations Board
First Region
Thomas P. O'Neill, Jr. Federal Building
10 Causeway Street, Sixth Floor
Boston, Massachusetts 02222-1072

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UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD FIRST REGION

In the Matter of

St. Joseph Health Services of Rhode Island, Fatima Hospital Employer

and

CASE 1-RC-22165

United Nurses and Allied Professionals

Petitioner

DATE OF MAILING

February 8, 2008

AFFIDAVIT OF SERVICE OF Direction and Notice of Hearing

I, the undersigned employee of the National Labor Relations Board, being duly sworn, depose and say that on the date indicated above I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

St. Joseph Health Services of Rhode Island, Fatima Hospital

200 High Service Avenue North Providence, RI 02904 Mr. Anthony Rizzotti, Esq. Littler Mendelson, P.C. One International Place Suite 2700 Boston, MA 02110

Ms. Jeanne C. Jose, Organizer United Nurses and Allied Professionals 375 Branch Avenue Providence, RI 02904 Mr. Alan J. McDonald, Esq. Jason R. Powalisz, Esquire McDonald, Lamond & Canzoneri Cordaville Office Center 153 Cordaville Road, Suite 320 Southborough, MA 01772-1834

/s/ Lillian Stern Lillian Stern

Subscribed and sworn to before me this 8th day of February, 2008

DESIGNATED AGENT /s/ Michelle Cassata

NATIONAL LABOR RELATIONS BOARD

UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD NOTICE

Case: 1-RC-22165

However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements **will not be granted** unless good and sufficient grounds are shown **and** the following requirements are met:

- (1) The request must be in writing and must be filed with the Regional Director.
- (2) Grounds must be set forth in **detail**;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained by the requesting party and set forth in the request; **and**
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

St. Joseph Health Services of Rhode Island, Fatima Hospital 200 High Service Avenue North Providence, RI 02904

Mr. Anthony Rizzotti, Esq. Littler Mendelson, P.C. One International Place Suite 2700 Boston, MA 02110

Ms. Jeanne C. Jose, Organizer United Nurses and Allied Professionals 375 Branch Avenue Providence, RI 02904

Mr. Alan J. McDonald, Esq. Jason R. Powalisz, Esquire McDonald, Lamond & Canzoneri Cordaville Office Center 153 Cordaville Road, Suite 320 Southborough, MA 01772-1834

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FORM NLRB-858 (6-81) NATIONAL LABOR RELATIONS MEMORANDUM ON ISSUANCE OF N		Attach original to on	Prepare original and 3 copies. e copy of complaint and notice of ded to Washington or San	
TO: CHIEF, DIVISION OF JUDGES BURKE COURT REPORTING		(See clerical manual, item 12045.12); send 1 copy to local court reporter; 1 copy to office of main reporting contractor; and retain copy in Regional Office file.		
FROM: Acting REGIONAL DIRECTOR, R Elizabeth A. Gemperline	legion One		DATE February 11, 2008	
CASE NAME				
St. Joseph Health Services of Rhode Island, Fatima Hospital			1-RC-22165	
DATE AND TIME OF HEARING February 21, 2008 at 9:30 a.m.	Thomas P. O'Neil	PLACE OF HEARING Thomas P. O'Neill, Jr. Federal Building, 10 Causeway Street, Sixth Floor Boston, Massachusetts 02222-1072		
ESTIMATED LENGTH OF HEARING 1-2 Days				
NAME OF HEARING OFFICER Robert J. DeBonis				
FOR EMPLOYER		COUNSE	ADDRESS	
Mr. Anthony Rizzotti, Esq. Littler Mendelson, P.C. One International Place Suite 2700 Boston, MA 02110				
FOR PETITIONER			ADDRESS	
Mr. Alan J. McDonald, Esq. Jason R. Powalisz, Esquire McDonald, Lamond & Canzoneri Cordaville Office Center 153 Cordaville Road, Suite 320				

Southborough, MA 01772-1834	
FOR OTHER PARTY	ADDRESS